

**BEFORE THE
OIL & GAS BOARD OF REVIEW**

BT ENERGY CORPORATION,
(Halwell Co.)
Appellant,

-vs-

DONALD L. MASON, CHIEF,
DIVISION OF OIL & GAS,
Appellee.

Appeal No. 585

Review of Chief's Order 96-124

**ORDER OF THE BOARD
ADOPTING CONSENT
AGREEMENT**

Appearances: John Schneider, on behalf of Appellant BT Energy & Halwell Co.; Ray Studer, Assistant Attorney General, Counsel for Appellee Division of Oil & Gas.

The Oil & Gas Board of Review has received and reviewed the parties' Consent Agreement and finds it well taken. Accordingly, the Board hereby **ADOPTS** the Consent Decision. There being no outstanding issues of law or fact, the Board hereby **DISMISSES** appeal no. 585, with prejudice.

Date Issued: 7/29/96

BENITA KAHN, Secretary

John A. Gray
JOHN A. GRAY

William J. Taylor
WILLIAM J. TAYLOR, Chairman

James H. Cameron
JAMES H. CAMERON

Gail Ignatz-Hoover
GAIL IGNATZ-HOOVER

DISTRIBUTION:

John Schneider
Ray Studer
A.T. Stautberg, Jr.

BEFORE THE OIL AND GAS BOARD OF REVIEW

DEPARTMENT OF NATURAL RESOURCES

STATE OF OHIO

BT ENERGY CORPORATION)	
(HALWELL CO.))	
)	
Appellant,)	APPEAL NO. 585
)	
v.)	CHIEF'S ORDER NO. 96-124
)	
DONALD L. MASON, Esq., Chief,)	
Division of Oil and Gas)	
Ohio Department of Natural)	
Resources,)	
)	
Appellee.)	

CONSENT AGREEMENT

Now come the parties, appellant, BT Energy Corporation and appellee, Donald L. Mason, Chief of the Division of Oil and Gas, who, in order to settle the administrative proceeding captioned BT Energy Corp. (Halwell Co.) v. Donald L. Mason, Chief, Division of Oil and Gas presently pending before the Oil and Gas Board of Review as Appeal No. 585 (Chief's Order No. 96-124), stipulate to the following facts and conditions:

FACTS

1. BT Energy Corporation is the owner of the oil and gas wells known as the Foraker-Friel Well No. 1, Permit 3894, and the T.J. Friel Well No. 1, Permit 6139, both of which are located in Pike Township, Perry County.

2. Inspections by the Division of Oil and Gas on or about October 6, 1994 found that the Foraker-Friel No. 1 well and the T.J. Friel No. 1 well were incapable of producing oil and gas in commercial quantities.

3. On or about November 15, 1994 BT Energy Corporation requested permission to delay the plugging of these wells. Permission was given by the Division to delay plugging until May 5, 1995.

4. On or about May 11, 1995, BT Energy Corporation requested another extension to delay plugging. Permission was given by the Division to delay plugging until November 11, 1995.

5. Inspections by the Division on or about March 21, 1996 and March 22, 1996 found that these wells had been neither put into production nor plugged and were incapable of production.

6. Chief's Order 96-124 was issued on April 11, 1996 by the Chief of the Division of Oil and Gas requiring BT Energy Corp. either to place the Foraker-Friel No. 1 well and the T.J. Friel No. 1 well into production within 10 days of the receipt of the Order or to cause those wells to be plugged and abandoned within 30 days of receipt of the Order. Certified mail service of Chief's Order 96-124 was signed for on or about March 16, 1996.

7. The Foraker-Friel No. 1 well and the T.J. Friel No. 1 well were not placed into production within 10 days of the receipt of Chief's Order 96-124. Nor, as of the execution of this Consent Agreement, have these wells been plugged and restored.

CONDITIONS

8. By September 26, 1996, BT Energy Corporation shall either place into production or plug in accordance with the requirements of R.C. Chapter 1509. and Ohio Admin. Code Chapter 1501. the Foraker-Friel Well No. 1 and the F.J. Friel Well No. 1 and shall

restore in accordance with the requirements of R.C. 1509. and Ohio Admin. Code 1501. the wellsite for each well plugged within 30 days of plugging.

9. This appeal is dismissed with prejudice.

10. The Division of Oil and Gas reserves all rights to enforce R.C. Chapter 1509. and Ohio Admin. Code Chapter 1501.

A.T. Stautberg 7-8, 1996
BT ENERGY CORP.
By A.T. Stautberg, Jr.
who has authority to
enter into and bind
BT Energy Corp.

Donald L. Mason 6/19, 1996
DONALD L. MASON, Esq.
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Raymond J. Studer 6/18, 1996
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